

INITIAL STATEMENT OF REASONS

Coho Considerations, 1999

[August 20, 1999]

Title 14 of the California Code of Regulations (14 CCR):

Amend:

§ 895.1	Definitions
§ 897	Implementation of Act Intent
§ 898.1	Review of Plan by Director
§§ 912.9 [932.9, 952.9]	Cumulative Impacts Assessment Checklist
§§ 916 [936, 956]	Intent of Watercourse and Lake Protection
§§ 916.2 [936.2, 956.2]	Protection of the beneficial Uses of Water
§§ 916.4 [936.4, 956.4]	Watercourse and Lake Protection

14 CCR § 895.1

Definitions

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The California Forest Practice Rules commonly utilize terms in the regulation text that are generally recognized by federal and state agencies, as well as the forest products industry representatives. However, the Forest Practice Rules under section 895.1 (Definitions) do not include a comprehensive listing of applicable definitions for these terms. Although the term "Plan" is defined under that section of the Rules, the definition does not include a comprehensive listing of those documents represented by the term "Plan." The definition proposed for adoption is intended to ensure that the public, as well as the reviewing agencies, understand the term that is utilized in the proposed changes to the regulations, and also where it is currently used in the Rules. This will also keep the Rules clear.

SPECIFIC PURPOSE OF THE REGULATION

The proposed change to the definitions is intended to ensure that the affected public, as well as the reviewing agencies understand the term "Plan" as it is utilized in the regulations. This is additionally intended to allow for brevity in the Rule language and subsequently to increase the clarity of proposed and existing regulations.

NECESSITY

The proposed change to the definitions is necessary because the Forest Practice Rules include the term "Plan" without an adequate, comprehensive description of the term. A comprehensive definition of the term included under 14 CCR 895.1 is necessary to ensure

that all affected persons can readily access the meaning of the term when necessary to understand and enforce the regulations.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that the potential cost for this regulation would be minimal, consisting of minor printing costs to the State if any costs are incurred. This cost would not exceed the costs normally incurred each year by the Department of Forestry and Fire Protection to print and distribute rule language to field personnel. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR § 897

Implementation of Act Intent

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The current Forest Practice Rules do not clearly indicate that the information provided in a plan must be sufficiently clear and detailed to allow all interested parties to adequately review the plan. The current Rules merely specify that the information must be clear enough to permit the Director make determinations regarding the plan. However, the Rules are not specific regarding the role of the public and other reviewing agencies in determining that the significant adverse impacts are avoided or reduced to insignificance.

SPECIFIC PURPOSE OF THE REGULATION

The changes proposed under this section of the Rules are intended to clearly indicate the importance that clear and detailed information plays in the public's and other agencies' review of timber harvesting plans.

NECESSITY

The current Rules specify that the information provided in a timber harvesting plan must be clear enough to permit the Director make determinations regarding the plan. The proposed changes are necessary to clearly indicate that the information provided must also be clear and detailed enough for the public and other reviewing agencies to determine that the significant adverse impacts will be avoided or reduced to insignificance.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that the potential cost for this regulation would be minimal, consisting of minor costs associated with additional time to prepare a timber harvesting plan so that the language presented in the plan is clear, and provides adequate information to the public and the other reviewing agencies. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

**PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER
CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO
ADDRESS**

Those members of the public that are commonly involved in the review of timber harvesting plans have indicated that often there is significant new information added to the plan after the close of the public comment period. As a result of the close of the public comment period, the public is excluded from commenting on this new information. The public believes that often valuable comments regarding this significant new information cannot be provided by the public to the Director and the other reviewing agencies to aid the Director in determining that no significant adverse impacts will result from the operations proposed in the plan.

Additionally, the current Rule language references a section of the Rules that has been relocated, and is no longer located in the section referenced.

SPECIFIC PURPOSE OF THE REGULATION

The changes proposed in this section of the Rules are intended to allow the public to comment on any and all significant information or changes regarding the timber harvesting plan.

The Rules are also intended to clarify that the Rules pertaining to substantial deviations in a timber harvesting plan have been relocated to 14 CCR § 895.1.

NECESSITY

The changes proposed under this section of the Rules are necessary to ensure that the public has an adequate opportunity to comment on all significant information and changes related to timber harvesting plans in a timely manner. The changes would ensure that the Director has ample opportunity to review the public's comments prior to making a determination regarding the plan.

**ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD
AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

**ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT
WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that the Department currently allows adequate opportunity for public comment related to changes in a timber harvesting plan. The potential cost for this regulation would be minimal, consisting of minor costs associated with public notification if the Director determines that significant new information has been included in the plan that would result in re-opening the public comment period. Although not specifically required under the current Rules, the Department often re-opens the public comment period when there have been significant changes made to a plan. Therefore, costs associated with this change in the Rules are not likely to substantially exceed the costs normally incurred each year by the Department of Forestry and Fire Protection. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 912.9 [932.9, 953.9]

Cumulative Impacts Assessment Checklist

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The information provided in the Cumulative Impacts Assessment Checklist may not adequately convey the extent of the assessment that must be conducted prior to the submission of a timber harvesting plan to the Department. The current checklist does not require the plan submitter to provide the location of continuing, significant adverse impacts, nor does it clearly indicate that cumulative impacts must be considered when completing the checklist. Furthermore, in completing the checklist, the plan submitter is not currently required to consider that impacts must be reduced to insignificance before it can be indicated that there is no reasonable potential for significant cumulative impacts following the implementation of proposed mitigation measures.

The current Rules do not require that the plan include maps of the resource areas considered in the cumulative impacts assessment. Furthermore, the current Rules do not require that the plan include a description of known, continuing significant environmental problems within the assessment areas. Additionally, the current Rules do not clearly indicate the extent of the appropriate sources that the plan preparer must contact in developing the cumulative impacts assessment.

In evaluating impacts to watershed resources, the current Rules do not clearly indicate that off-site cumulative effects must be considered. Furthermore, this section of the Rules does not clearly indicate that the applicable Water Quality Control Plan must be complied with. It is also not currently required that the plan preparer use the guidelines provided under the Board of Forestry's Technical Addendum No. 2 when evaluating watershed impacts.

The current Rules do not require that actual measurements be used in evaluating significant cumulative effects to resources of concern.

SPECIFIC PURPOSE OF THE REGULATION

The proposed changes in this section of the current Forest Practice Rules are intended to establish the minimum requirements for information needed to adequately evaluate cumulative impacts during the preparation of a timber harvesting plan. This is intended to ensure that all appropriate impacts are considered during the cumulative impacts assessment, and that adequate information is provided to aid the reviewing agencies and the public in the review of the cumulative impacts evaluation provided in a timber harvesting plan prior to approval.

NECESSITY

The changes proposed in the Rules are necessary to ensure that the information provided in the Cumulative Impacts Assessment Checklist will adequately convey the extent of the assessment that has been conducted prior to the submission of a timber harvesting plan to the Department. Furthermore, the changes in the Rules are necessary to ensure that impacts are reduced to insignificance before it can be indicated in the plan that there is no reasonable potential for significant cumulative impacts following the implementation of proposed mitigation measures.

The proposed changes to this section of the Rules are also necessary to ensure that all appropriate sources of information have been utilized in the preparation of the cumulative impacts assessment, and that adequate information is provided in the plan to aid in the review of the plan in regard to existing impacts within the watershed assessment area.

The proposed changes to this section of the Rules are necessary to ensure that off-site impacts are considered along with on-site impacts during the cumulative impacts evaluation. The changes are further necessary to ensure that the plan conforms to the requirements of the applicable Water Quality Control Plan. The changes are also necessary to ensure that plan preparers utilize the guidelines provided under the Board of Forestry's Technical Addendum No. 2 when evaluating watershed impacts.

The proposed changes in the Rules are necessary to allow the reviewing agencies to request that the plan preparer utilize and provide actual measurements when evaluating significant cumulative effects to resources of concern.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that this regulation could potentially result in a significant adverse economic impact on businesses. However, the costs associated with the requirements imposed by the new regulations are difficult to estimate as they vary greatly. The Board staff estimated that this regulation could potentially result in long-term and short-term costs that would vary greatly depending on, but not limited to 1) the scope of the project, 2) the extent of activity that has currently or historically resulted in impacts to resources 3) the current condition of the watershed (i.e. beneficial uses of water, riparian habitat, or others), 4) the topographic and geologic features affecting harvesting practices, 5) the affected area under the control of the plan submitter, 6) the current and long-term land management goals of the plan submitter, and 7) the availability of information necessary and available for completion of the cumulative impacts assessment. Some cost will be incurred due to the requirements for additional mapping and information, but this will not significantly impact overall cost of land management. However, some costs, such as those associated with providing actual measurements may require the design and implementation of monitoring programs and could result in substantial costs, both short term and long term. However, these costs can also vary widely depending on numerous factors including, but not limited to the type of parameters targeted for monitoring, the frequency of monitoring, the types of equipment necessary and available to conduct the monitoring, and numerous other factors. Costs estimates for monitoring along ¼ to 1 mile of Class I could include:

For water temperature, one year of pre-harvest baseline data and one year of post-harvest data could cost about \$1,000 to \$3,000, including instruments, labor, data processing, and reporting, if done by an RPF. This cost could double if done by a scientist, and could triple if a consultant does the work.

For no net increase in sediment, longer post-harvest monitoring would be needed, maybe 5 to 20 years. If the approved completion report equals the end of THP enforceability (except stocking and erosion maintenance), then the extent of "long term" may not be very long. Collection and analysis of sediment data is more costly than for temperature data. A short two- or three-year program may cost

\$4,000 to \$10,000. A thorough long-term project over many years could run up to \$20,000 or more.

For no net loss of LWD or recruitment potential, that should just be counting down and standing-future LWD, before and after; the cost could be \$1,000 to \$2,000.

Broad estimates for monitoring indicate that average yearly monitoring cost could range from \$30,000.00 to \$50,000.00, and may exceed \$100,000.00 depending on the extent of monitoring required, and the size of the area to be monitored. Considering the broad range of circumstances that would affect costs associated with the new requirements, the Board has determined that estimations of the potential cost for this regulation would be difficult to present in a format that would provide for meaningful public disclosure. Further, considering the above cost estimates, the Board staff has determined that the proposed regulations are likely to have an adverse economic impact on businesses, and such impact may be significant.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916 [936, 956]

Intent of Watercourse and Lake Protection

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The current Forest Practice Rules may not adequately convey the Board's intent that timber harvesting plans include documentation regarding the evaluation of the condition of watercourses and lakes, and include documentation of the measures taken or prescribed for the restoration, enhancement, and maintenance of the beneficial uses of water. Furthermore, the current Rules may not adequately convey the Board's intent that this documentation shall be provided in a manner that affords essential understanding of the conditions and measures for review and implementation by all involved parties.

SPECIFIC PURPOSE OF THE REGULATION

The changes proposed in the Rules are intended to adequately convey the Board's intent regarding the documentation provided in timber harvesting plans that is related to the protection of the beneficial uses of water.

NECESSITY

The proposed changes in the Rules are necessary to ensure that all involved parties understand the current conditions of the watercourses and lakes that could be impacted by

the project. The changes are also necessary so that all interested parties understand the measures proposed for the protection of the beneficial uses of water.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

Alternative language has been presented to the Board for consideration. This alternative language was developed by the Board's standing committees, and is included in the publicly noticed *Proposed Rule Language*. The Board intends to review public comment prior to selection of the appropriate alternative. The Board has rejected no alternative language at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that clarifying the intent of the Board is not likely to result in a substantial change in the information currently provided in a plan. The potential cost for this regulation would be minimal, consisting of minor costs for preparing the plan in clearer and more concise language in some instances. Therefore, costs associated with this change in the Rules are not likely to substantially exceed the costs normally incurred by a plan submitter. Therefore, the proposed regulations would not have a significant adverse economic impact on any business. It should be noted that providing clearer and more concise information related to the protection of watershed resources may result in decreased costs for review to those agencies involved in the review process.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.2 [936.2, 956.2]

Protection of the Beneficial Uses of Water

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Currently, the Forest Practice Rules do not clearly indicate that conditions upslope from a watercourse shall aid in determining the measures used to protect a watercourse from

potential impacts associated with timber harvesting operations. These conditions could include identified unstable areas that could result in mass wasting and the delivery of excessive amounts of sediment to a watercourse. Furthermore, the Forest Practice Rules do not clearly indicate that conditions necessary to provide for the protection of listed species shall aid in determining the measures used to protect a watercourse from potential impacts associated with timber harvesting operations. Different listed species require certain specific habitat needs or conditions. The plan preparer is not specifically required to consider these conditions in determining the measures necessary for the protection of the beneficial uses of water.

SPECIFIC PURPOSE OF THE REGULATION

The proposed changes in the Rules are intended to clarify those factors that shall be considered in developing measures to protect the beneficial uses of water. The changes are intended to clearly indicate that upslope conditions, and conditions that will provide for the protection of listed species must be considered in determining the full extent of measures necessary for the protection of the beneficial uses of water.

NECESSITY

The proposed changes in the Rules are necessary to ensure that all appropriate conditions are considered in the development of measures used to protect the beneficial uses of water.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant adverse economic impacts associated with this proposed revision to the Rules. The current Rules require that certain factors be considered when determining the measures that are necessary for adequate protection of the beneficial uses of water. The proposed changes further define these factors. Where the Board of Forestry and Fire Protection has indicated that the factors must be protected to meet the Board's intent regarding protection of the beneficial uses of water, the protection of these factors is already required under current regulations. It is

not anticipated that additional costs would be incurred. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.4 [936.4, 956.4]

Watercourse and Lake Protection

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The current Forest Practice Rules may not adequately indicate the extent of those areas that must be evaluated by an RPF preparing a plan during the field examination of lakes and watercourses. Furthermore, the current Rules may not provide an adequate listing of those sensitive conditions that an RPF is required to identify during the field examination for consideration in determining WLPZ widths and protective measures for watercourses. The current Rules do not require that the plan include information specifically describing the spawning and rearing habitat for salmonid species, nor that the width of the WLPZ and the protection measures prescribed specifically provide for the protection of spawning and rearing habitat for salmonids. Additionally, the Rules do not specify the mapping requirements pertaining to how information is provided relating to the condition of watercourses, and the location of protection measures; nor do the Rules specify adequate mapping standards for describing corrective work or specific locations of impacts.

The current Rules do not specify that the person conducting the field examination must be adequately trained in the appropriate skills required for the tasks required.

SPECIFIC PURPOSE OF THE REGULATION

The proposed changes in the Rules are intended to ensure that all sensitive conditions related to watercourses and lakes are considered during the RPF's field examination of the waterbodies potentially affected by a plan. The proposed changes are also intended to ensure that specific information related to the protection of salmonid species is considered during the field examination, and that this information is provided in the plan in a manner sufficient for agency and public review. The changes are also intended to ensure that the width of the WLPZ and the protection measures provided in the plan are adequate to protect spawning and rearing habitat for salmonid species. Furthermore, the proposed changes are intended to ensure that the person conducting the field examination possesses all the skills to adequately perform the tasks required to evaluate the sensitive conditions related to the protection of watercourses and lakes.

NECESSITY

In 1996, the State Fish and Game Commission listed Coho salmon south of San Francisco Bay as threatened under the State Endangered Species Act (ESA). Then in 1997, the National Marine Fisheries Service (NMFS) listed Coho salmon as threatened throughout its range in California under the Federal ESA, and Steelhead trout have been designated as candidate species. Additionally, the U.S. Environmental Protection Agency (USEPA) has listed nineteen North Coast streams as water quality limited under Section 303(d) of the Federal Clean Water Act (CWA); many of the listings are for factors that can be affected by timber operations.

The Z'berg-Nejedly Forest Practice Act of 1973 established the legislature's intent to protect and give consideration to the public's need for long-term watershed protection, fisheries and wildlife, and it directed the State Board of Forestry and Fire Protection to adopt regulations to control unreasonable effects on the beneficial uses of the State's waters. Recognizing that some activities associated with the harvesting of timber products can adversely impact the waters of the State, the Board of Forestry and Fire Protection determined a need for more specific and encompassing language that clearly conveys the sensitive conditions to be considered, and the information to be provided in the plan related to the field examination of watercourses and lakes. The Board determined that it is necessary that this information be provided in a manner that ensures that spawning and rearing habitat for salmonid species is protected. The Board also determined that the changes in the Rules are necessary to ensure that the person conducting the field examination is adequately qualified to perform the appropriate tasks.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

Alternative language has been presented to the Board for consideration. This alternative language was developed by the Board's standing committees, and is included in the publicly noticed Proposed Rule Language. The Board intends to review public comment prior to selection of the appropriate alternative. The Board has rejected no alternative language at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that this regulation could potentially result in an adverse economic impact on businesses. However, the costs associated with the requirements imposed by the new regulations are difficult to estimate as they vary greatly. The Board

staff estimated that this regulation could potentially result in short-term costs that would vary greatly depending on, but not limited to 1) the scope of the project, 2) the extent of activity that has currently or historically resulted in impacts to resources 3) the current condition of the watershed (i.e. beneficial uses of water, riparian habitat, or others), 4) the topographic and geologic features affecting the sensitive conditions to be evaluated, and 5) the affected area under the control of the plan submitter. There will be costs incurred due to the requirements for additional mapping and information. This could significantly impact the overall cost of plan preparation. There will also be costs associated with the expanded field examination. These costs can also vary widely depending on numerous factors affecting the amount of time the RPF or any required specialist would have to spend conducting the expanded field evaluation, and preparing the detailed maps. Depending on the cost to retain an RPF and the size of the area under evaluation, the additional costs could range between \$500 to \$2,500 per plan.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board of Forestry and Fire Protection consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

1. Letter to Mr. Robert Kerstiens, Chairman, Board of Forestry and Fire Protection from California Environmental Protection Agency and the Resources Agency, with proposed rules, June 30, 1999.
2. Interim Report to the California State Board of Forestry and Fire Protection, Hillslope Monitoring Program: Monitoring Results from 1996 through 1998 (June, 1999)
3. Coho Salmon Biological Opinion and 2090 Agreement for Timber Harvest Plans South of San Francisco Bay, May 7, 1996.
4. Coho Salmon (*Oncorhynchus kisutch*) Considerations for Timber Harvests under the California Forest Practice Rules, April 29, 1997.
5. Special Order to Provide Incidental Take of Coho Salmon South of San Francisco Bay during Candidacy Period, May 9, 1994.
6. Public Resources Code §§ 4551, 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, 4582, and 4584 *et seq.*
7. Barclays Official California Code of Regulations
8. Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat, Scientific Review Panel, June 1999.

Pursuant to Government Code § 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Initial Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

doh: 8-6-99
File: ISOR